FAX TRANSMISSION	HECEIVED GENTRAL FAX CENTE
	JUL 1 8 2006
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PTO IDENTIFIER: Application Number 10/561,704-Conf. #8192 Patent Number	
Inventor: Jörn Karl et al.	
1-055	
MESSAGE TO: US Patent and Trademark Office  FAX NUMBER: (571) 273-8300	
FROM: CONNOLLY BOVE LODGE & HUTZ LLP	
Ashley I. Pezzner	
PHONE: (302) 658-9141	
Attorney Dkt. #: 12810-00184-US	
PAGES (Including Cover Sheet): 15  CONTENTS: Transmittal Of International Preliminary Report On Patentability	
CONTENTS: Transmittal Of International Preliminary Report On Patentability Certificate of Transmission (1 page)  If your receipt of this transmission is in error, please notify this collect call to sender at (302) 658-9141 and send the original to mail at the address below.  This transmission is intended for the sole use of the individed is addressed, and may contain information that is privileged exempt from disclosure under applicable law. You are her dissemination, distribution or duplication of this transmission than the intended addressee or its designated agent is strict than the intended addressee or its designated agent is strict CONNOLLY BOVE LODGE & HUTZ LLP  1007 North Orange Street, P.O. Box 2207, Wilmington, Delay Telephone: (302) 658-9141 Facsimile: (302) 658-	lual and entity to whom it ed, confidential and reby notified that any sion by someone other etly prohibited.

Application No. (if known): 10/561,704

Attorney Docket No.: 12810-00184-US

BEGEIVED CENTRAL FAX CENTER

JUL 1 8 2006

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July 18, 2006

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Transmittal Of International Preliminary Report On Patentability International Preliminary Report On Patentability

Docket No.: 12810-00184-US Application No.: 10/561,704

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED **CENTRAL FAX CENTER** 

JUL 18 2006

In re Patent Application of:

Jörn Karl et al.

Confirmation No.: 8192

Application No.: 10/561,704

Art Unit: N/A

Filed: December 22, 2005

For: COATED PREPARATIONS THAT CONTAIN

Examiner: Not Yet Assigned

AT LEAST ONE HYDROFORMATE

#### TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Applicant submits herewith the International Preliminary Report On Patentability issued Dear Sir: in the corresponding international application. The PCT Examiner noted that claims 9-11 and 20 had novelty.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12810-00184-US.

Respectfully submitted

Registration No.: 35,646

CONNOLLY BOVE LODGE & HUTZ LLP

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Wilmington, Delaware 19899

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Attorney for Applicant

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#### PATENT COOPERATION TREATY

#### **PCT**

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

	(2	
Source Co.	FOR FURTHER ACTION	See item 4 below
Applicant's or agent's file reference 0000054643	The same of Gling date (da)/monthly year.	Priority date (day/month/year) 24 June 2003 (24.06.2003)
Transfers application its.	11 June 2004 (11.06.2004)  th edition unless older edition indicated) PCT/ISA/237	
International Patent Classification (8 See relevant information in Form	PCT/ISA/237	
Applicant BASF AKTIENGESELLSCHAFT		

2. This REPORT consists of a total of 12 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on parentability (Chapter I) instead.  3. This report contains indications relating to the following items:  □ Box No. I □ Basis of the report □ Box No. II □ Priority □ Box No. II □ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability. □ Box No. IV □ Lack of unity of invention □ Box No. V □ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement □ Box No. VI □ Certain defects in the international application □ Box No. VII □ Certain observations on the international application □ Box No. VII □ Certain observations on the international application □ No. VIII □ Certain observations on the international application □ No. VIII □ Certain observations on the international application	1.	This international preliminary report on particular international Searching Authority under	patentability (Chapter I) is issued by the International Bureau on behalf of the Rule $44$ bis. $1(a)$ .
Box No. II Priority  Box No. III Priority  Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  Box No. IV Lack of unity of invention  Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  Box No. VI Certain documents cited  Certain defects in the international application  Box No. VII Certain observations on the international application	2.	This REPORT consists of a total of 12 s  In the attached sheets, any reference to to to the international preliminary report o	heets, including this cover sheet.  the written opinion of the International Searching Authority should be read as a reference in perentability (Chapter I) instead.
not, except where the applicant makes an expression date (Rule 44bis .2).	3.	Box No. II  Box No. II  Box No. III  Box No. IV  Box No. VI  Box No. VI  Box No. VII  Box No. VII  The International Burean will come	ority on-establishment of opinion with regard to novelty, inventive step and industrial plicability ack of unity of invention easoned statement under Article 35(2) with regard to novelty, inventive step or industrial oplicability; citations and explanations supporting such statement opticability; citations and explanations supporting such statement optical decuments cited Certain defects in the international application Certain observations on the international application

	Date of issuance of this report 01 May 2006 (01.05.2006)
	Authorized officer
The International Bureau of WIPO  34, chemin des Colombettes	Yolaine Cussac
1211 Geneva 20, Switzerland	Telephone No. +41 22 338 70 80
Facsimile No. +41 22 740 14 35	

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY  PCT  WRITTEN OPNION OF THE INTERNATIONAL SEARCHING AUTHORITY  (eCT rate 43bit.1)  Date of mailing (dec (day/month/year)  (eCT rate 43bit.1)  Date of mailing (dec (day/month/year)  PCT/EP2004/006296  11. 06. 2004  PCT/EP2004/006296  11. 06. 2004  Partitional Prince Classification (IPC) or both notional classification and IPC  Applicant  Applicant ARTIENGE SELLISCHAFT  1. This opidene contains indications relating to the following items:  Box No. I Besis of the epinion  Box No. I Health of the pinion  Box No. I Health of unity of invention.  Box No. I Reasoned steamers under Rule 43bit.1(3(f)) with regard to coverly, inventive step or industrial applicability: classifications and epiphenium of the prince of the pinion of the prince of th		PA	TENT COOPERA	TION TREATY	Tra.
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Date of mailing (decylmonth/year)   Continued and Continued application   Por Further action   See paragraph 2 below   Por Further action   Por Further ac				wri Internatic	TTEN OPINION OF THE DNAL SEARCHING AUTHORITY
Applicant's or agent's file reference  O000054643  International pplication No.  PCT/EF2004/006296  International filing date (day/month/year)  24.06.2003  Profit date (day/month/year)  25.07.07.07.07.07.07.07.07.07.07.07.07.07.					(PCT Rule 43bis.1)
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International Patent Classification (IPC) or both cational classification and IPC  11.06.2004  124.06.2003  International Patent Classification (IPC) or both cational classification and IPC  Applicant BASF AKTIENGE SELLISCHAFT  1. This opinion contains indications relating to the following items:    Box No. I   Basis of the opinion	Applicant's or agen	- 4 3	_		Diggins date (dov/month/year)
International Patent Classification (IPC) or both sational classification and IPC  Applicant  BASF AKTIENGESELLISCHAFT  1. This opision contains indications relating to the following items:  Box No. II Basis of the opinion  Box No. II Priority  Box No. III Non-establishment of opinion with regard to govelly, inventive step and industrial applicability  Box No. IV Lack of unity of invention  Box No. V Reasoned statement under Rule 43bis.1(e)(i) with regard to govelly, inventive step or industrial applicability; citations and explanations supporting each statement  Box No. VI Certain documents cited  Box No. VII Certain defects in the international application  Certain observations on the international application  7. FURTHER ACTION  If a demand for international preliminary examination is rande, this opinion will be considered to be a written opinion of the International Preliminary Examinary Archerity ("IPEA") except that this does not apply where the applicant chooses an Authority of the International Surveins under Rule 66.1bis(b) that written opinion is an entire to the IPEA and the chosen IPEA has notticed the Incremational Everau under Rule 66.1bis(b) that written opinion of the IPEA written reply together, where appropriate, where appropriate, where appropriate, where appropriate, where the applicant is invited to suburit to the IPEA written reply together, where appropriate, where appropriate, where appropriate, where expression of 22 months from the priority date, whichever expires later.  For further details, see notes to Form PCT/ISA/220.	00000546	45	International filing date	(day/month/year)	24.06.2003
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<ol> <li>FURTHER ACTION         If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("TPEA") except that this does not apply where the applicant chooses an Authority of International Preliminary Examining Authority ("TPEA") except that this does not apply where the applicant chooses an Authority of that this one to be the IPEA and the chosen IPEA has notified the International Eureau under Rule 66.1bis(b) that written opinion that this International Scarching Authority will not be so considered.         If this opinion is, as provided above, considered to be a written opinion of the IPEA the applicant is invited to submit to the IPEA. If this opinion is, as provided above, considered to be a written opinion of the IPEA the applicant is invited to submit to the IPEA. If this opinion is, as provided above, considered to be a written opinion of the IPEA the applicant is invited to submit to the IPEA. If this opinion is, as provided above, considered to be a written opinion of the IPEA the applicant is invited to submit to the IPEA. If this opinion is, as provided above, considered to be a written opinion of the IPEA the applicant is invited to submit to the IPEA. If this opinion is, as provided above, considered to be a written opinion of the IPEA. The applicant is invited to submit to the IPEA.</li></ol>		Box No. I Basi Box No. II Prio Box No. III Nor Box No. IV Lac Box No. V Res app Box No. VI Co Box No. VII Co	s of the opinion  rity  n-establishment of opinion with  the of unity of invention  somed statement under Rule  plicability: citations and expla-  stain documents cited  rtain defects in the internation	th regard to novelty, inv 43bis.l(a)(i) with regar nations supporting such	d to povelty, inventive step or industrial
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Form PCT/ISA/237 (cover sheet) (January 2004)

International application No. PCI/EP2004/006296

	INTERNATIONAL SEARCHING AUTHORITY	
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	With regard to the same the indicated under this item.  Gled, unless otherwise indicated under this item.  This opinion has been established on the basis of a translation from the original language into the following language  This opinion has been established on the basis of a translation formula for the purposes of international search (under the purposes).	
١	• Miner	
	Rule 12.3 and 23.1(b)).	ı
2.	Rule 12.3 and 23.1(b)).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	
	a. type of material	
	a sequence listing	١
	table(s) related to the sequence listing	
1	b. formal of material	١
	ja written farmat	1
{	in computer readable form	- \
1	c. time of filing/furnishing	١
	contained in the international application as filed.	
1	filed together with the international application in computer readable form	
1	furnished subsequently to this Authority for the purposes of search.	~
	In addition, in the case that more than one version or copy of a sequence listing and/or table(a) relating thereto has been filled.  In addition, in the case that more than one version or copy of a sequence listing and/or table(a) relating thereto has been filled in additional copies is identical to that in the application furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application filled or does not go beyond the application as filed, as appropriate, were furnished.	25
1	4. Additional comments:	
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International application No. PCT/EP2004/006296

The following document has not yet been furnished:  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(u)).  The following document has not yet been furnished:  copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).		INTERNATIONAL SEARCHING AUTHORITY		
The following document has not yer been furnished:  copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filling date indicated above is considered to be the relevant date.				
ecopy of the earlier application whose priority has been claimed (Rule 43bis. 1 and 66.7(b)).  I translation of the earlier application whose priority has been claimed (Rule 43bis. 1 and 66.7(b)).  Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.			1	
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International application No. PCT/EP2004/006296

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the entire international application   claims Nos.	Box No. III	Non-establishment of opinion with regard to novelty,	inventive ste	p (to be non obvious), or to be industrially	
the entire international application   claims Nos.	The questions wh	wither the claimed invention appears to be novel, to in the other than the claimed in respect of:	ADIAE au man		
the smid international applications or the said claims Nos.  relate to the following subject matter which does not require an international preliminary examination (specify);  the description, claims or drawings (indicate particular elements below) or said claims Nos.  are so unclear that no meaningful opinion could be formed (specify);  the claims, or said claims Nos.  by the description that no meaningful opinion could be formed.  no international search report has been established for said claims Nos.  Introvictions in that:  has not been funished  does not comply with the standard  the computer readable form  has not been funished  to the standard  the computer readable form  has not been funished	1 the co	sire international application			
the description, claims or drawings (indicate purificular elements below) or said claims Nos.  are so unclear that no meaningful opinion could be formed (specify):    he claims or said claims Nos.	Claim	s Nos.			
the claims, or said claims Nos.    by the description that no meaningful opinion could be formed.   ointernational search report has been established for said claims Nos.   the nucleotide and/or amino acid sequence histing does not comply with the standard provided for in Amex C of the Administrative the written form   has not been furnished   does not comply with the standard   the computer readable form   has not been furnished   has not be	because:  the s relat	nid international opplication, or the said claims Nos.  e to the following subject matter which does not require a	n international prelimin	ary examination (specify):	
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the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the	\ [	technical reductions by	id sequence listing, if it of the Administrative is	n conjunt ver	
See Supplemental Box for further details.		See Supplemental Box for further details.			

Form PCT/ISA/237 (Box No. III) (January 2004)

W STANO
International application No.
PCT/EP2004/006296
PC17 III II II

	INTERNATIONAL SEARCHING AUTHORITY	ial applicability;
Box No. V	INTERNATIONAL SEARCHING AUTHORITY  Regioned statement under Rule 43bis. I(a)(i) with regard to novelty, inventive step or industrictions and explanations supporting such statement	
	g(anous and com-	
1. Statement		YBS NO
Novel	Claims 9-11, 20 Claims 1-8, 12-19	NO
	Claims 1-0, 22	YES
	claims	NO
	Claims 1-20	
		155
Indo	osrial applicability (IA) Claims 1-20 Claims	NO
1	Claims	
	1. Alexander	
2. Citation	ons and explanations:	
1	Reference is made to the following document	s:
1	Reference is made to the land and 20 pl: EP-A-1 273 238 (BASF AG) 8 January 20	03
	D1: EP-A-1 273 238 (BASE AC)	
	(2003-01-08)	1 1 980
\	(2003-01-08) D2: EP-A-0 009 366 (BP NUTRITION) 2 April	
}	(1980-04-02)	
	TID N=4 220 661 (HUITSON JOHN J)	
	D3: US-A-4 220 001 (1980-09-02) 2 September 1980 (1980-09-02)	
}	2 September 1900 (25 AL: "AMMONIUM D4: FURUMOTO CHIKASHI ET AL: "AMMONIUM	
	D4: FURUMOTO CHIKASHI EI AE.	žD
1	D4: FURUMOTO CHIEF FEE  TETRAFORMATE-CONTAINING COMPLETE FEE	STN
1	COMPOSITIONS AND THEIR MANUFACTURE"	
	VD002945138	
<b>\</b>	OR 3-1 587 518 (BP CHEM INT LID) 6	April 1901
}		
	(1981-04-08) D6: WO 99/12435 A (SELMER OLSEN INGVAR;	HJOERNEVIK
}	D6: WO 99/12435 A (SDEED) AS (NO); AND	)ER)
1	LEIF (NO); NORSK HYDRO AS (NO); AND	
	18 March 1999 (1999-03-18)	THE FOOD
	18 March 1995 (1995 CONTINUED) IN D7: GIBBS B F ET AL: "ENCAPSULATION IN	TOURNAT. OF
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	FOOD SCIENCES AND NO. 3, 1999, pag LTD, GB, Vol. 50, No. 3, 1999, pag	<sub>jes</sub> 213-224,
	LID, GB, VOI. 50, A55	
}	XP009013399 ISSN: 0963-7486	
1		

#### written opinion of the

International application No. PCT/EP2004/006296

Reasoned statement under Rule 43bia1(a)(i) with regard to novelty, inventive step or industrial applicability; INTERNATIONAL SEARCHING AUTHORITY citations and explanations supporting such statement Hox No. V Novelty The subject matter of the independent product claim 1, 2 of the independent process claim 6, of the independent process claim 7, of the independent process claim 8, of the independent use claim 12, of the independent use claim 13, of the independent use claim 14, of the independent product claim 15, of the independent use claim 16, of the independent use claim 17, of the independent use claim 18 and of the independent use claim 19 is not novel within the meaning of PCT Article 33(2). The relevant passages can be found in the international search report. 2.1 D1 discloses sodium tetraformate which is coated with starch, silicate and other substances (see also table Ia, composition 1-4 and 6-9). The tetraformate thus provided in the feedstuff is more efficient than formic acid and enhances the weight gain in piglets (example 3). The particle size of 10 mm is considered as being implied by the disclosure. The compositions are prepared by mixing the components. 2.2 D2 discloses silica gel, coated with ammonium tetraformate, which in turn is coated with whey and fats, and added to feedstuffs. The composition acts as growth promoter and preservative. 2.3 D3 discloses coated silage compositions with ammonium tetraformate and preserving compositions of ammonium-tetraformate-coated bone meal.

Form PCT/ISA/237 (Box No. V) (January 2004)

#### written opinion of the INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/006296

Reasoned statement under Ruic 43bla 1(a)(i) with regard to novelty, inventive step or industrial applicability; 2.4 D4 discloses the mixing and thus coating of ammonium Box No. V tetraformate with other substances. The compositions are used in silage making and as animal feed.

Inventive step

- No expert opinion on the inventive step can be provided at the current stage of the examination.
- In the light of the disclosure of D5 and D6, coating tetraformate with supports such as molasses, sugars, 3.1 surfactants, polyols and polyglycosides appears to be insignificant for the expert. None of the coating substances listed in items a) to x) in claim 4 has been shown to have a particular technical effect which exceeds what the expert is taught in D1. This is why each of the coating substances listed under a) to x) is considered to be an obvious, alternative coating substance.
  - 3.2 In the light of D7, the subject matter of claims 9-11, which describes alternative preparation methods, appears to be insignificant for the expert.
  - The use of formates as fertilizers is generally known. In the absence of additional, surprising technical effects of the use of tetraformates according to the application in fertilizers in the application document, the subject matter of claim 20 is considered to be an obvious, alternative formatecontaining fertilizer.

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International application No.
PCI/EP2004/006296

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Box No. VII	Certain defects in the international application	1
The following	Certain defects in the international application have been noted:	
1	Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1-D6 or indicate the relevant prior art disclosed therein.	

Form PCT/ISA/237 (Box No. VII) (January 2004)

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY Certain observations on the international application

pct/EP2004/006296

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1 In claims 7-20 of the application, the expression "preparations according to at least one of the preceding claims" is interpreted as "preparations according to claims 1-5" (PCT Article 6).

Form PCT/ISA/237 (Box VIII) (January 2004)

International application No. PCT/EP2004/006296

Supplemental Box

In case the spoce in any of the preceding boxes is not sufficient. Continuation of:

#### Box III

The subject matter relating to the liquid preparations (see page 5 of the description) is not 1 mentioned in the set of claims and was therefore not the subject of the international search (PCT Article 6).

Form PCT/ISA/237 (Supplemental Box) (January 2004)